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Attorneys for Defendants,
MISSION SAN JOSE AIRPORT, LLC,
AND MISSION YOGURT, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AREAS USA SJC, LLC, a California limited
liability company,

Plaintiff,

vs.

MISSION SAN JOSE AIRPORT, LLC, a
Colorado limited liability corporation; and
MISSION YOGURT, INC., a Colorado
corporation,

Defendants.

and related Counterclaim.

CASE NO. C11-04487 HRL

**JOINT PROPOSED STATEMENT OF THE
CASE AND LIST OF PARTIES, COUNSEL
AND WITNESSES/COMPANY
REPRESENTATIVES FOR USE IN VOIR
DIRE**

Judge: Hon. Howard Lloyd

Complaint filed: September 9, 2011
Trial Date: January 7, 2013

**JOINT PROPOSED STATEMENT OF THE CASE, PARTIES, COUNSEL AND
WITNESSES FOR USE IN VOIR DIRE**

To assist the Court's voir dire process, Plaintiff Areas USA SJC, LLC and Defendants Mission San Jose Airport, LLC and Mission Yogurt, Inc. hereby submit a Joint Proposed Statement of the Case and List of Parties, Counsel and Witnesses/Company Representatives, attached as **Exhibit 1** hereto.

Dated: December 31, 2012

GREENBERG TRAURIG, LLP

By: /s/ Scott D. Bertzyk

Scott D. Bertzyk
Attorneys for Plaintiff,
AREAS USA SJC, LLC

Dated: December 31, 2012

BRYAN CAVE, LLP

By: /s/ Meryl Macklin

Meryl Macklin
Attorneys for Defendants,
MISSION SAN JOSE AIRPORT, LLC and
MISSION YOGURT, INC.

ATTESTATION CLAUSE

I, Denise M. Mayo, am the ECF User whose ID and password are being used to file this JOINT STIPULATION REQUESTING PARTIAL RELIEF FROM THE CASE MANAGEMENT SCHEDULING ORDER, AND EXTENDING PARTIES' DEADLINE TO COMPLETE SETTLEMENT CONFERENCE. In compliance with General Order 45, X.B., I hereby attest that Meryl Macklin has concurred in this filing.

Dated: December 31, 2012

GREENBERG TRAURIG, LLP

By: /s/ Scott D. Bertzyk

Scott D. Bertzyk
Attorneys for Plaintiff,
AREAS USA SJC, LLC

EXHIBIT 1

PROPOSED STATEMENT OF THE CASE FOR THE JURY

This case involves a dispute over a contract entered into over concession space at the San Jose Airport. The plaintiff is a company called Areas USA SJC; the defendants are companies called Mission San Jose Airport and Mission Yogurt. We'll call them "Mission" or the "Mission Defendants."

In the Summer of 2010, Areas sublet certain concession space to Mission to build out and operate a food court in the airport. Areas is asserting breach of contract claims against the Mission Defendants because they did not build out the space or make any of the payments required under the sublease.

Mission disputes the validity of the contract, claiming that Areas misled it into entering into the contract by concealing material information from Mission. For this reason, Mission claims that the contract between Areas and Mission is not valid.

Your job, if chosen to serve on this jury, will be to resolve these claims and defenses.

**LIST OF PARTIES, COUNSEL AND WITNESSES/COMPANY
REPRESENTATIVES**

To assist the Court in examining jurors, the parties provide below a list of parties, counsel and witnesses.

Parties

1. Plaintiff Areas USA SJC, LLC, a California limited liability company
2. Defendant Mission San Jose Airport, LLC, a Colorado limited liability company
3. Defendant Mission Yogurt, Inc., a Colorado corporation

Potential Witnesses/Company Representatives

1. Eduardo Uribe, Vice President of Business Development at Areas USA, Inc.
2. Xavier Rabell Torello, CEO of Areas USA, Inc.
3. Huy Pham, Director of Business Development at Areas USA, Inc.
4. Kirk Weiss, General Counsel for Areas USA, Inc.
5. Irv Tosk, Operations Supervisor at Norman Y. Mineta San Jose International Airport.
6. Patrick McCue, Concession Program Manager at Norman Y. Mineta San Jose International Airport.
7. Shawn Smith, Principal at Airport Consult Group.
8. Todd Peterson, Vice President of Franchise Sales at Togo's Eateries, Inc.
9. Sandy Boyd, former CEO of Fresh Choice Restaurants, LLC.
10. Ingrid Walatka, former Director of Product Development at Fresh Choice Restaurants, LLC.
11. Rod Tafoya, President of Mission Yogurt.
12. Mark Schafer, Operations Manager of Mission Yogurt.
13. Stanley Jackson, President of The Legends Group, a construction manager who provided services to both Areas and Mission at various times.

14. Justin Jackson, employee of The Legends Group.
15. Dan Ludwig, Chief Estimator at The Legends Group.
16. Mark Taitt, former Vice President of Operations at Areas USA, Inc.
17. Jeff Reddy, President of Reddy & Reddy Architects.
18. Phil Zlatunich, Estimator and Project Manager for Critchfield Mechanical, Inc.
19. Charles Bluemle, Airport General Manager at Areas USA, Inc.

Lawyers and Law Firms

1. Greenberg Traurig, LLP — for the plaintiff
 - a. Scott Bertzyk/Los Angeles
 - b. Denise Mayo/Los Angeles
 - c. Gerardo Rodriguez-Albizu/West Palm Beach, Florida
2. Bryan Cave, LLP — for the defendants
 - a. Meryl Macklin/San Francisco
 - b. Daniel Rockey/San Francisco

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 1840 Century Park East, Suite 1900, Los Angeles, CA 90067.

On December 31, 2012, I served **JOINT PROPOSED STATEMENT OF THE CASE AND LIST OF PARTIES, COUNSEL AND WITNESSES/COMPANY REPRESENTATIVES FOR USE IN VOIR DIRE** on the interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope, postage prepaid, addressed as follows:

Daniel Rockey
Meryl Macklin
BRYAN CAVE LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105
Tel: (415) 286-1986
Fax: (415) 268-1999
daniel.rockey@bryancave.com

Attorney for Defendant

☒ **(BY ELECTRONIC MAIL)** I certify that the document(s) referenced above were served electronically on the parties listed at the email addresses above and to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary on December 31, 2012.

☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 31, 2012 at Los Angeles, California.

//s//:Scott D. Bertzyk
SCOTT D. BERTZYK